



IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Pretti N. Bhoi et al

Confirmation No.: 2141

Application No.: 09/495,818

Examiner: S. F. Willett

Filing Date: Feb 1, 2000

Group Art Unit: 5325

Title: Traffic-Aware Request Processing For Network Applications

Mail Stop Appeal Brief-Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Sir:

Transmitted herewith in *triplicate* is the Reply Brief with respect to the Examiner's Answer mailed on Sept. 13, 2004. This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new grounds of rejection.)

No fee is required for filing of this Reply Brief.

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Date: Nov 12, 2004

I hereby certify that this document is being filed by personal delivery to the Customer Service Window, Crystal Plaza 2, 2011 South Clark Place, Arlington, Virginia, of the United States Patent & Trademark Office on the date indicated above.

By: Patrick C. Keane Reg No 32,858
(Attorney Signature and Reg. No.)

Respectfully submitted,

Pretti N. Bhoi et al

By

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In re Patent Application of)	
Pretti N. BHOI et al)	Group Art Unit: 2141
Application No.: 09/495,818)	Examiner: S. F. Willett
Filed: February 1, 2000)	Confirmation No.: 5325
For: TRAFFIC-AWARE REQUEST)	
PROCESSING FOR NETWORK)	
APPLICATIONS)	

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer dated September 13, 2004, Appellants hereby address the following points raised in the Answer:

- (1) The Examiner's refusal to separately consider independent claims 1 and 14 is improper. These claims recite different features which have been separately argued.
- (2) In Section "(7) Grouping Of claims" in the Examiner's Answer, the Examiner improperly characterizes features of claim 14 as "intended use" and asserts that such features are "inherently [in] the system in the Swales patent." The features referenced by the Examiner relate to minimizing dropping of a request from an external queue and minimizing response time by rejecting requests not to be processed, Such features are functional features of method claim 14, and are not inherent in Swales for reasons emphasized in Appellants' Brief.

- (3) In restating the Final Office Action in numbered paragraph 2 on pages 4-5 of the Examiner's Answer, the Examiner has added a statement that:

Swales teaches processing based on processing capacity and rate of requests, col. 11, lines 30-34, col. 12, lines 43-45, col. 13, lines 4-7 as "number of participants can be calculated", 34-38.

This correlation of processing capacity and rate of requests to "number of participants calculated, is improper, as there is no relationship between "calculating a number of participants", and processing capacity and rate of requests. As detailed throughout Appellants' Brief, the presently claimed invention is directed to, among other features, use of a network interaction module that determines which, if any, of the fetched requests, will not be processed by the application module based on the processing capacity of the application module and the rate of the external requests arriving at the external queue. Detailed arguments regarding this distinction are set forth in Appellants' Brief.

- (4) The Examiner's comments in numbered paragraph 21 on pages 7-8 of the Examiner's Answer, have mischaracterized Appellants' arguments. Appellants' have not asserted that there is no server disclosed in the Swales patent (see paragraph 21, page 7 of the Examiner's Answer). Rather, Appellants' have argued that Swales fails to teach or suggest a network interaction module as recited in claim 1, or the functions recited in method claim 14. Nothing in the Examiner's Answer addresses the failure of the Swales patent to teach or suggest features highlighted in Appellants' Brief as distinguishing over the Swales patent.

Favorable consideration of the present application, and reversal of the final rejection, are therefore requested.

If there are questions regarding the above, it is respectfully requested that the undersigned be contacted at the number shown below.

Respectfully submitted,

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Date: November 12, 2004

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